

9 November 1978

MEMORANDUM FOR: General Counsel

FROM: Director of Central Intelligence

SUBJECT: Presidential Standards on Sensitive Collection

1. There was considerable conversation at an SCC on counterintelligence yesterday concerning the difference between Presidential standards for notifying the SCC of sensitive counterintelligence activities and of sensitive clandestine collection. I also spoke separately with the Attorney General on this. He made it clear that the IOB had generated this issue. They had complained to the President that he was not being informed of all the things he should. The President elected not to take any action thereon. The IOB then complained to the Attorney General who had developed his detailed set of standards for sensitive clandestine collection.

2. At the SCC meeting, the Attorney General himself volunteered that there was a wide gap between his standards for counterintelligence and for clandestine collection. He therefore proposed that we have a separate meeting to discuss both of these.


3. Both Brzezinski and I pointed out that the proposed clandestine collection standards were going to be considerably inhibiting. I further pointed out that I thought the Attorney General's standards contravened the provisions of the Executive Order rather than supplemented them.

a. In preparation for the next meeting, I'd like to pursue this line of thought that whatever the Presidential standards are, they have to be derivative from the Executive Order guidance, not an amendment or change to it.

b. The Attorney General has some idea that we should write a very brief paragraph on these standards and take it to the President for him to pencil in other things that he wants to have himself or the SCC informed about.

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4. I asked the Attorney General how we were coming   
He said they were preparing their mandamus to present to the court of  
appeals. If that did not work, he said they would opt for a statute--  
that is, going to the Congress for statutory authority.

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